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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00395 CRB
)	
Plaintiff,)	<u>REQUEST, STIPULATION AND ORDER</u>
)	
v.)	
)	
SEYUN KIM,)	
)	
Defendant.)	

This matter is currently on the Court's calendar for June 7, 2006. Through counsel, defendant Seyun Kim and the United States ask the Court to (a) vacate the June 7, 2006 date based on the defendant's anticipated change-of-plea, (b) set a date of June 14, 2006 for change-of-plea, and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from June 7, 2006, to June 14, 2006.

1. The parties are finalizing the defendant's plea agreement and request that the Court set the matter for June 14, 2006, for change-of-plea.

2. Defense counsel needs time to review the plea materials with the defendant prior to the entry of plea on June 14, 2006.

ORDER
 CR 05-00395 CRB

3. The parties agree that the time between June 7, 2006 and June 14, 2006 should be excluded from the Speedy Trial clock. Previously, the Court has declared this case complex. See 18 U.S.C. § 3161(h)(8)(B)(ii). Further, defense counsel needs time to review the plea agreement with the defendant. This requires a short amount of time to address, and so the parties agree that a continuance is necessary for the effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by excluding the period from June 7, 2006 to June 14, 2006 outweigh the interest of the public and the defendant in a Speedy Trial. See id. § 3161(h)(8)(A).

STIPULATED:

June 2, 2006 DATE	/S/ PETER B. AXELROD_____ PETER B. AXELROD LAUREL BEELER Assistant United States Attorneys
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June 2, 2006 DATE	/S/ ELIZABETH FALK_____ ELIZABETH FALK Attorney for Seyun Kim
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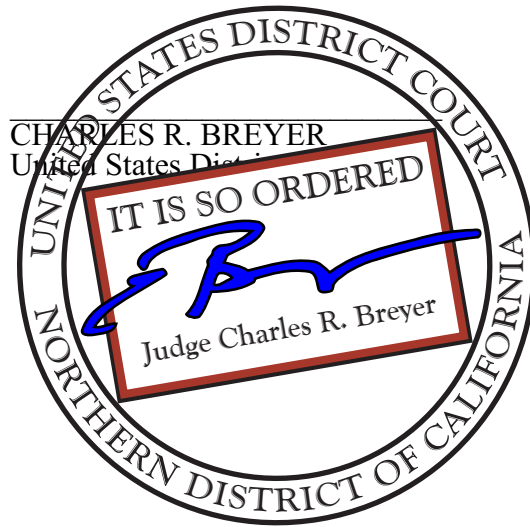
ORDER

For good cause shown, and for the reasons stated above, the Court (a) vacates the June 7, 2006, hearing date for defendant Seyun Kim based on the anticipated change-of-plea, (b) sets the matter for change-of-plea on June 14, 2006, at 2:15 p.m., and (c) excludes times under the Speedy Trial Act, 18 U.S.C. § 3161, from June 7, 2006, to June 14, 2006. The Court finds that the failure to grant the requested exclusion would deny defense counsel reasonable time necessary for effective preparation taking into account the exercise of due diligence. Further, the Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court therefore concludes that this exclusion of time should be made under

1 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv).

2 IT IS SO ORDERED.

3
4 DATED: June 2, 2006



ORDER
CR 05-00395 CRB